

Elizabeth L. Schilken (SBN 241231)
schilkene@ballardspahr.com
BALLARD SPAHR LLP
2029 Century Park East, Suite 1400
Los Angeles, CA 90067-2915
Tel: 424.204.4400 / Fax: 424.204.4350

[Additional Counsel on Signature Page]

*Attorneys for Defendant Sinclair
Television of Fresno, LLC*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CALEB L. MCGILLVARY,

Plaintiff,

v.

NETFLIX, *et al.*,

Defendants.

Case No. 2:23-cv-01195-JLS-SK

Hon. Josephine L. Staton

**Defendant Sinclair Television of
Fresno, LLC's Application to Appear
Remotely at Hearing on Motion to
Dismiss**

Hearing Date: June 14, 2024
Hearing Time: 10:30 a.m.

Pursuant to the Court's procedures regarding hearings, Defendant Sinclair Television of Fresno, LLC, incorrectly sued as KMPH Fox News ("KMPH") respectfully requests leave for its counsel Thomas B. Sullivan to appear remotely at the hearing scheduled to be held on June 14, 2024 at 10:30 am on, among other pending motions, KMPH's Motion to Dismiss the Second Amended Complaint of Plaintiff Caleb McGillvary ("Motion").

KMPH recognizes that under this Court's procedures hearings are to be conducted in person absent extraordinary circumstances. KMPH respectfully submits that such circumstances exist here. Plaintiff, who is proceeding *pro se*, is

1 currently incarcerated in the state of New Jersey. If he is able to participate in the
2 June 14 hearing at all, he will be required to do so remotely. KMPH's lead counsel,
3 who lives in New Jersey and works in New York, would be required to leave the
4 East Coast on June 13, stay overnight, and then fly back following the June 14
5 conference to participate in person in a hearing at which the Plaintiff will appear, if
6 at all, via telephone or Zoom. Sullivan Decl. ¶ 5. Counsel for two other Defendants
7 previously applied for permission to appear remotely at the hearing when it was set
8 for May 10, with both making renewed requests after the hearings were rescheduled
9 to June 14. ECF Nos. 181, 184, 208, 217.

10 Accordingly, KMPH respectfully requests that its counsel be allowed to
11 participate in the June 14, 2024 hearing by Zoom or telephone.

12
13 *[signature block on next page]*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Ballard Spahr LLP
2029 Century Park East, Suite 1400
Los Angeles, CA 90067-2915
Telephone: 424.204.4400

1
2 Dated: May 31, 2024

BALLARD SPAHR LLP

3 By: /s/Matthew S.L. Cate

4 Elizabeth L. Schilken

schilkene@ballardspahr.com

5 2029 Century Park East, Suite 1400

6 Los Angeles, CA 90067-2915

7 Tel: 424.204.4400 / Fax: 424.204.4350

8 Chad R. Bowman (*pro hac vice*)

bowmanchad@ballardspahr.com

9 Matthew S.L. Cate (SBN 295546)

10 catem@ballardspahr.com

11 1909 K Street, NW, 12th Floor

Washington, DC 20006-1157

12 Tel: 202.661.2200 / Fax: 202.661.2299

13 Thomas B. Sullivan (*pro hac vice*)

14 sullivan@ballardspahr.com

15 1675 Broadway, 19th Floor

New York, NY 10019

16 Tel: 212.850.6139 / Fax: 212.223.1942

17 *Attorneys for Defendant*

18 *Sinclair Television of Fresno, LLC*

Ballard Spahr LLP
2029 Century Park East, Suite 1400
Los Angeles, CA 90067-2915
Telephone: 424.204.4400

PROOF OF SERVICE

I am a resident of the State of California, over the age of 18 years, and not a party to this action. My business address is Ballard Spahr LLP, 1909 K Street, NW, 12th Floor, Washington, D.C., 20006-1157.

On May 31, 2024, I electronically filed the foregoing **Defendant Sinclair Television of Fresno, LLC's Application to Appear Remotely at Hearing on Motion to Dismiss** with the Court through its CM/ECF system, which will provide notice to counsel of record in this case, and I caused the same to be served via U.S. Mail to:

Caleb L. McGillvary
#1222665/SBI #102317G
New Jersey State Prison
P.O. Box 861
Trenton, NJ 08625

Dated: May 31, 2024

/s/ Matthew S.L. Cate
Matthew S.L. Cate